

IN THE SENATE

SENATE BILL NO. 1060, As Amended

BY EDUCATION COMMITTEE

AN ACT

RELATING TO PUBLIC LIBRARY DISTRICTS; REPEALING SECTION 33-2713, IDAHO CODE, RELATING TO DISSOLUTION OF LIBRARY DISTRICTS; AMENDING CHAPTER 27, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2713, IDAHO CODE, TO PROVIDE FOR THE DISSOLUTION OF LIBRARY DISTRICTS, TO PROVIDE FOR A PETITION AND RELATED PROVISIONS TO INITIATE CERTAIN PROCEEDINGS, TO PROVIDE THAT WHEN A DISTRICT EMBRACES MORE THAN ONE COUNTY, THE DISSOLUTION PROCESS SHALL BE CARRIED FORWARD IN EACH COUNTY, TO PROVIDE FOR FILING OF A PETITION AND TO PROVIDE FOR A HEARING, TO PROVIDE FOR NOTICE AND WRITTEN TESTIMONY, TO PROVIDE FOR A HEARING AND ACTION ON THE PETITION, TO PROVIDE FOR AN ELECTION AND TO PROVIDE FOR A DATE OF A NEW PETITION; AMENDING CHAPTER 27, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2713A, IDAHO CODE, TO PROVIDE FOR ELECTION NOTICE, CONDUCT OF ELECTION AND CANVASSING OF ELECTION RETURNS, TO PROVIDE THAT A LIBRARY DISTRICT MAY BE DISSOLVED NOT EARLIER THAN FOUR YEARS AFTER THE DATE OF ITS ESTABLISHMENT, TO PROVIDE FOR AN ELECTION BALLOT, TO PROVIDE THAT IF A LIBRARY DISTRICT EMBRACES TERRITORY IN MORE THAN ONE COUNTY, AN ELECTION FOR ITS DISSOLUTION SHALL BE DEEMED APPROVED ONLY IF A MAJORITY OF THE VOTES CAST IN EACH SUCH COUNTY WERE CAST IN THE AFFIRMATIVE, TO DIRECT THE BOARD OF COUNTY COMMISSIONERS TO ENTER AN ORDER, TO DIRECT THE DISPOSITION OF CERTAIN PROPERTY AND TO DIRECT THE USE AND APPORTIONMENT OF RECEIPTS FROM THE SALE OF CERTAIN ASSETS AND CERTAIN UNPAID TAXES, TO DIRECT THE PAYMENT OF CERTAIN REMAINING INDEBTEDNESS FROM CERTAIN SPECIAL LEVIES AND TO PROVIDE FOR CERTAIN TAX COLLECTION AND REMITTANCE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section [33-2713](#), Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 27, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-2713, Idaho Code, and to read as follows:

33-2713. DISSOLUTION OF LIBRARY DISTRICT. A library district may be dissolved in the following manner, but not earlier than four (4) years after the date of its establishment.

(1) All proceedings for the dissolution of library districts shall be initiated by a petition of not less than ten percent (10%) of the qualified electors of the district at the time the petition

1 is filed, with a minimum of fifty (50) signatures, addressed to the commissioners of the county
 2 or counties in which the district is situated, and which shall concisely state the grounds or
 3 reasons for the dissolution and contain a request for a hearing of the petition.

4 (2) When the library district embraces more than one (1) county, the petition and
 5 procedure for praying for the dissolution of the district shall be carried forward in each county
 6 as though that county were the only county affected.

7 (3) The petition shall be filed with the clerk of the commissioners and, at its next regular
 8 meeting or at any special meeting called for that purpose, the commissioners shall by an order
 9 fix a time and place for the hearing of the petition, which time shall not be less than twenty-one
 10 (21) days from and after the date of the first publication of the notice of the petition and
 11 hearing.

12 (4) The commissioners shall require their clerk to cause the first notice of the hearing
 13 to be published not less than twelve (12) days prior to the hearing and the last notice of the
 14 hearing to be published not less than five (5) days prior to the hearing. The notice shall set
 15 forth that a petition has been filed, the prayer of the petition and notice of the time and place
 16 when and where the petition will be heard, and further notice that any elector of the district
 17 may, prior to or at the time of the hearing, file with the clerk written comments on the proposed
 18 dissolution.

19 (5) At the time and place specified in the notice, the commissioners shall proceed to
 20 consider the petition and all written comments on it, and shall hear or take all testimony. Upon
 21 conclusion of the hearing, which may be continued from day to day, if the commissioners
 22 determine that the dissolution would be in the best interests of the district and the county, it
 23 shall pass a resolution ordering the question of dissolution of the district be submitted to the
 24 qualified electors of the district at an election to be held at the next uniform election day as
 25 provided in section 34-106, Idaho Code. If the commissioners of either county determine that
 26 the dissolution is not in the best interests of the district and the county, then the petition shall be
 27 dismissed.

28 (6) If the petition is dismissed or the election to dissolve the district is unsuccessful, a
 29 new petition shall not be presented within two (2) years from the date the earlier petition was
 30 filed with the clerk of the commission.

31 SECTION 3. That Chapter 27, Title 33, Idaho Code, be, and the same is hereby amended
 32 by the addition thereto of a NEW SECTION, to be known and designated as Section 33-2713A,
 33 Idaho Code, and to read as follows:

34 33-2713A. CONDUCT OF ELECTIONS. Notice of the election provided for in
 35 section 33-2713, Idaho Code, shall be given, the election shall be conducted and the returns
 36 thereof canvassed as provided for in chapter 14, title 34, Idaho Code, and under the general
 37 election laws of the state of Idaho.

38 A library district may be dissolved according to procedures followed in its original
 39 organization, but not earlier than four (4) years after the date of its establishment. The ballot
 40 shall contain the words "Shall (Name) Public Library District be dissolved—Yes" and "Shall
 41 (Name) Public Library District be dissolved—No", each followed by a box wherein a voter
 42 may express his choice by marking a cross "X". If the library district embraces territory in
 43 more than one (1) county, an election for its dissolution shall be deemed approved only if
 44 a majority of the votes cast in each such county were cast in the affirmative. If, upon the
 45 canvass of ballots, it is determined that the proposition has been approved, the board of county

1 commissioners of the home county shall enter its order to that effect and transmit a copy of
2 said order to the board of county commissioners in any other county affected, and said order
3 shall by them be made a matter of record. When any library district is dissolved, all property
4 and assets of the library district shall be disposed of by the board of county commissioners of
5 the home county. Receipts from the sale of assets and all unpaid taxes, when collected, shall
6 be first used to retire any indebtedness of the district. Any remainder shall be apportioned to
7 the counties embraced in the library district in proportion to the assessed valuation of each that
8 was included in the library district and placed in the respective county general expense fund.
9 If, after the application of the tax moneys and sale proceeds, indebtedness remains, the board
10 of county commissioners of the home county shall provide for the payment of the remaining
11 indebtedness from special levies certified to each county in proportion to the assessed valuation
12 of each that was included in the district. The tax shall be collected by each county and remitted
13 to the home county for payment of the remaining indebtedness.